

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC PRUENTE,

Plaintiff,

Case No.: _____

v.

Judge: _____

VAN BUREN COUNTY and VAN BUREN
COUNTY TREASURER

Defendants.

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Attorneys for Plaintiff

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DEFENDANTS' NOTICE OF REMOVAL

Defendants Van Buren County and Van Buren County Treasurer give notice that, under 28 U.S.C. §§ 1331 and 1441, this matter is removed from the Van Buren County Circuit Court, State of Michigan, to the United States District Court for the Western District of Michigan. In support of this Notice, Defendants state:

1. Plaintiff Eric Pruente filed a Complaint against Defendants in the Thirty Sixth Judicial Circuit Court in Van Buren County, Michigan on September 10, 2020. A summons was

served on Defendants on October 8, 2020. A copy of the Complaint and Summons are attached as **Exhibit A**.

2. The attached documents constitute all process, pleadings, and orders received or obtained by Defendants in this action.

3. This Notice of Removal is timely because it has been filed within 30 days of service of the Complaint. *See 28 U.S.C. § 1446(b)(1); Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347 (1999) (time for removal calculated from date of formal service of the summons and complaint).

4. Defendants are represented by the same counsel, and submit this Notice jointly. Therefore, each Defendant has consented to removal in accordance with 28 U.S.C. § 1446(b)(2)(A).

5. A case may be removed to federal court if it could have been brought in that federal court originally. 28 U.S.C. § 1441(a); *Rivet v. Regions Bank of Louisiana*, 522 U.S. 470, 474-75 (1998).

6. Plaintiff's Complaint alleges that Defendants have violated the Fifth and Fourteenth Amendments to the United States Constitution, as well as Article 10, Section 2 of Michigan's Constitution. Federal question jurisdiction therefore exists over the federal constitutional claims. 28 U.S.C. § 1331. And supplemental jurisdiction exists over the related state constitutional claims. 28 U.S.C. § 1367(a).

7. Venue is proper in this Court because the Van Buren County Circuit Court is located in the Western District of Michigan, Southern Division. *See 28 U.S.C. § 1441(a); 28 U.S.C. § 102(b)(1)*.

8. In accordance with 28 U.S.C. § 1446(d), a Notice of Filing of Removal and a copy of this Notice of Removal will be promptly filed with the Van Buren County Circuit Court. A copy of that Notice will be served upon Plaintiff.

9. Defendants' first responsive pleading will be filed within 7 days of the date of removal. *See* Fed. R. Civ. P. 81(c)(2).

WHEREFORE, Defendants serve this Notice that this action has been removed to the United States District Court for the Western District of Michigan, Southern Division.

DYKEMA GOSSETT PLLC

Dated: November 5, 2020

By: /s/ Theodore W. Seitz
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CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2020, I electronically filed the foregoing with the Clerk of the Court using the electronic filing system, which will send notification of such filing to all counsel of record at their respective addresses as disclosed on the pleadings. I further certify that copies have also been served by first class mail with postage pre-paid upon:

Van Buren County Circuit Court
212 E. Paw Paw Street
Paw Paw, MI 49079

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